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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DAVID A. BREAUX,

12 Petitioner,

13 v.

14 WARDEN, San Quentin State Prison,

15 Respondent.
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No. 2:93-cv-0570 JAM DAD P

DEATH PENALTY CASE

ORDER

17 Petitioner is a state prisoner incarcerated under sentence of death. He is proceeding
18 through counsel with an application for writ of habeas corpus.

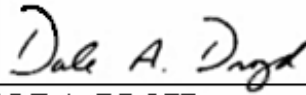
19 On February 7, 2014, the court ordered the parties to file a joint statement regarding the
20 scope of the evidentiary hearing to be held after the parties complete their independent
21 investigations. The court ordered the parties to identify which remaining claims will involve the
22 testimony of live witnesses at the evidentiary hearing, which claims will be submitted solely on
23 an expanded record or through deposition or affidavit, and which claims will require
24 consideration of no evidence at all. (See Doc. No. 257.) The parties' joint statement was due
25 March 15, 2014.

26 The parties have complied with the court's order. In their joint statement, however, they
27 also request additional time in which to identify the claims that will require live testimony and
28 those that will be submitted on an expanded record without the need for live testimony. (See

1 Doc. No. 262 at 3-4.) The parties ask that they be allowed to include this division of claims in the
2 next joint statement which is required to be filed under the current scheduling order on June 16,
3 2014. Good cause appearing, their request will be granted.

4 Accordingly, IT IS HEREBY ORDERED that the parties' request for additional time in
5 which to identify the claims that will require live testimony at the evidentiary hearing and those
6 that will be submitted solely on an expanded record without live testimony is granted. The parties
7 shall include this division of claims in the next joint statement required under the current
8 scheduling order, due June 16, 2014.

9 Dated: March 18, 2014

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11 DALE A. DROZD
12 UNITED STATES MAGISTRATE JUDGE

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